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*Attorneys for Defendants the State of Arizona and
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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Promise Arizona, et al.

Plaintiffs,

vs.

Katie Hobbs, in her official capacity as
Arizona Secretary of State, et al.,

Defendants.

Case No: 2:22-cv-01602-SRB

**STATE'S MOTION TO
CONSOLIDATE**

MOTION TO CONSOLIDATE

Defendant Mark Brnovich (the “State”) hereby moves pursuant to Fed. R. Civ. P. 42(a) and LRCiv 42.1(b) to consolidate *Promise Arizona v. Hobbs*, 2:22-cv-01602-PHX-SRB with consolidated matter *Mi Familia Vota v. Hobbs*, 2:22-cv-00509-PHX-SRB (the “Consolidated Matter”), which has already been consolidated with four other suits: *Living United for Change in Arizona v. Hobbs*, 2:22-cv-00519-PHX-SRB; *Poder Latinx v. Hobbs*, 2:22-cv-01003-PHX-SRB; *United States v. Arizona*, 2:22-cv-01124-PHX-SRB; and *DNC v. Hobbs*, 2:22-cv-01369-PHX-SRB. Promise Arizona opposes this motion.

The Consolidated Matter involves challenges to recently enacted Arizona election laws, HB 2243 and HB 2492, under the Fourteenth and Fifteenth Amendments, and the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20510, *inter alia*. Although this case only involves a challenge to HB 2243, it too includes equivalent challenges to that statute under the Fourteenth and Fifteenth Amendments, as well as the NVRA.

The Consolidated Matter and *Promise Arizona* therefore plainly involve “common question[s] of law [and] fact.” *See* Fed. R. Civ. P. 42(a). Consolidation will promote efficiency and conserve the resources of this Court and the parties, as well as protecting the parties from the potential prejudice that could result from separate resolutions. (The State has separately moved to consolidate *Arizona Asian American Native Hawaiian And Pacific Islander For Equity Coalition v. Hobbs*, 2:22-cv-01381-PHX-SRB (“AAANHPI”), which also includes a challenge to HB 2243 as well as HB 2492. That motion is currently pending.)

Indeed, given that this Court has already consolidated *all five* other actions asserting NVRA challenges to HB 2492, including two that also challenge HB 2243 under the NVRA, it would be deeply anomalous to leave *Promise Arizona* unconsolidated. Such an approach would pointlessly combine the drawbacks of both consolidation and non-consolidation while foregoing many of the corresponding benefits. Put simply, it would be the worst of all worlds. Moreover, the appropriateness of consolidation is recognized by

1 the fact that nearly all Plaintiffs (save AAANHPI and Promise Arizona) have affirmatively
2 sought consolidation here and no Defendant has opposed it.¹

3 **CONCLUSION**

4 For the foregoing reasons, the State's motion to consolidate should be granted.

5
6 RESPECTFULLY SUBMITTED this 26th day of September, 2022.

7 **MARK BRNOVICH**

8 **ATTORNEY GENERAL**

9 By: s/ Drew C. Ensign

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¹ An equivalent motion is being filed in both the consolidated action and the *Promise Arizona* action.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of September, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

s/ Drew C. Ensign

*Attorneys for Defendants State of Arizona and
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